



W.P.No.12721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.12721 of 2025

and

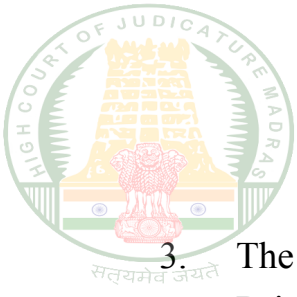
WMP.No.14304 of 2025

S.Jayasankar

...Petitioner

Vs.

1. The Manager,
International Bakery Products Limited,
Pulichapallam "Village",
14 Km Milestone, Puducherry-Tindivanam Highways,
Thiruchitrabalam Koot Road,
Vanur-"Taluk", Villupuram -"District".
2. The Chief General Manager,
International Bakery products Limited,
Kosmo One, Towres B, 5th Floor,
Ambattur Industrial Estate,
Chennai – 600 058.



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3. The Managing Director,
Britannia Industries Limited,
3rd Floor, No.126, BNT Towers,
Nelson Manickam Road,
Aminjikarai, Chennai – 600 029.

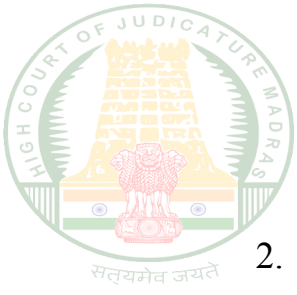
...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents herein more fully the 1st respondent to permit the petitioner to work in the mechanical department as per the report and advise of the "Medical Board" following the petitioner's health condition in pursuance of Orders/Direction of the Joint Commissioner, Labour, Vellore in his proceeding No.Na.Ka.No.E/2959/2023 dated 31.10.2023.

For Petitioner : Mr.M.Arumugam

ORDER

The petitioner has filed this Writ petition seeking to direct the 1st respondent to permit the petitioner to work in the mechanical department as per the report and advise of the "Medical Board" following the petitioner's health condition in pursuance of orders/direction of the Joint Commissioner, Labour, Vellore in his proceeding No.Na.Ka.No.E/2959/2023 dated 31.10.2023.

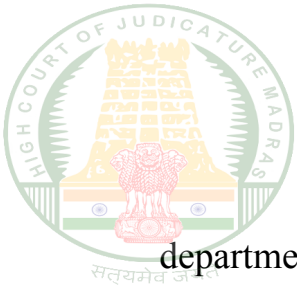


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2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with,

3. It is the case of the petitioner that he is a permanent employee working under the 1st respondent and that on 28.11.2012 he suffered an accident damaging his spinal cord and he was operated upon for the same. While so, since the petitioner floated the Workers union affiliated to a particular political party, he was targeted by the 1st respondent management and he was transferred from mechanical department to packing department. Given his bad condition and medical history, since the petitioner cannot function smoothly in packing department, the petitioner sent representations to the 1st respondent seeking not to transfer him to the packing department and to allot in the general shift and he also sent a letter to the Joint Director-2 Office, Industrial Safety and Health, Vellore for ascertaining the medical condition of his body. Pursuant to the same, the medical officer , after ascertaining the petitioner, recommended to allow him to work in the very same



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department i.e., Mechanical Department. Thereafter, the Labour Commissioner, Vellore, vide Na.Ka.No.E/2059/2023 dated 31.10.2023, directed the 1st respondent to permit the petitioner to work in the Mechanical Department. However, till date, the said order was not implemented by the 1st respondent. Aggrieved over the same, the petitioner has come forward with the present writ petition pleading that the 1st respondent may be directed to permit the petitioner to work in the mechanical department.

4. This Court gave its careful consideration to the submissions advanced by the learned counsel for the petitioner and perused the materials available on record.

5. This Court is not inclined to go into the merits of the case for the simple reason that, the petitioner has not stated the nature of duties that he was performing in the mechanical department and how his transfer to the packing department would affect his health. No doubt, the petitioner has produced the medical



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certificates stating that he cannot perform certain duties. However, the petitioner has grossly failed to satisfy this Court as to how the nature of duties in packing department is going to affect his health. Therefore, this Court is not inclined to grant the prayer as sought for by the petitioner. However, if the petitioner is aggrieved, he is granted liberty to approach the concerned authority for appropriate remedy.

6. For the reasons aforesaid, this Writ petition stands dismissed with the aforestated liberty. No costs. Consequently, the connected Miscellaneous petition is closed.

21.04.2025

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Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No



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M.DHANDAPANI, J.

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